

Message Text

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ACTION L-03

INFO OCT-01 NEA-10 ISO-00 EB-07 /021 W

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P 170621Z MAY 76

FM AMEMBASSY KUWAIT

TO SECSTATE WASHDC PRIORITY 5361

UNCLAS KUWAIT 2387

FOR L/NEA

E.O. 11652: N/A

TAGS: EFIN, KU

SUBJ: KUWAIT CENTRAL BANK REQUEST FOR INFORMATION

1. CENTRAL BANK OF KUWAIT (CBK) HAS ASKED EMBASSY'S ASSISTANCE REGARDING US LAW OF EVIDENCE. SPECIFICALLY, CBK IS INTERESTED TO KNOW WHETHER MICROFILM RECORDS OF CHECKS AND OTHER BANKING DOCUMENTS ARE ACCEPTED IN US COURTS AS VALID EVIDENCE. EMBASSY HAS AGREED TO SEEK INFO AND ASSISTANCE OF L/NEA WOULD BE APPRECIATED.

2. CBK QUERY ARISES OUT OF RAPIDLY INCREASING VOLUMES OF PAPER BEING HANDLED BY KUWAITI BANKING INDUSTRY. UNDER PREVAILING KUWAITI LAW ONLY ORIGINALS OF CHECKS AND OTHER BANKING DOCUMENTS CAN BE ACCEPTED AS EVIDENCE. BANKS ARE THEREFORE REQUIRED TO HOLD SUCH DOCUMENTS FOR SEVEN YEARS. AS BANKING ACTIVITY HAS EXPANDED, LOCAL INSTITUTIONS FIND MANAGEMENT OF SO MUCH PAPER TO BE A BURDENSOME ADMINISTRATIVE PROBLEM AND HAVE ASKED CBK TO SEEK CHANGE IN LAW.

3. CBK, IN TURN, HAS ASKED KUWAIT MINISTRY OF JUSTICE (MOJ) TO ALLOW MICROFILM RECORDS TO BE ACCEPTED AS VALID EVIDENCE. MOJ HAS ASKED CBK TO INVESTIGATE PRACTICES IN LEADING COUNTRIES INCLUDING US. REPLIES HAVE ALREADY BEEN RECEIVED FROM SEVERAL EUROPEAN COUNTRIES.

4. ACTION REQUESTED: EMBASSY RECOGNIZES THAT WITH FIFTY STATE JURISDICTIONS AND FEDERAL SYSTEM, THERE MAY BE DIFFERING LAWS

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AND PROCEDURES REGARDING ADMISSIBILITY OF MICROFILM AND OTHER

MACHINE COPIES OF BANKING OR OTHER DOCUMENTS. BELIEVE CBK DOES NOT NEED THROUGH TREATISE OF US LAW. WHAT WOULD BE HELPFUL WOULD BE SUMMARY STATEMENT OF GENERAL SITUATION PROVIDED IF POSSIBLE BY CABLE WHICH L/NEA MAY WISH TO FOLLOW WITH FULLER TREATMENT TRANSMITTED BY POUCH. OCCURS TO US THAT LATTER COULD INCLUDE COPIES OF OR AT LEAST REFERENCE TO LAW REVIEW ARTICLES ON SUBJECT IF ANY EXIST. EARLY REPLY WOULD BE APPRECIATED.
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